# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

NORMAN S. HOWARD, PATRICK S. WATSON, 12ev4069 12ev4669 BLAKE WINGATE, DARREN STATON, NAVARRO 12ev4080 12ev4700 JOHNSON, CHRISTIAN T. MARTINEZ, ISLIME 12ev4169 12ev4803 DUVIVIER, FRANCISCO FERREIRA, JOSEPH 12ev4170 12ev4813 OPPERISANO, WINSTON COWELL, ROGER SMITH, 12ev4266 12ev4896 JOHN ENGLAND, CALVIN ELLIS, DARREN MACK, 12ev4274 12ev4961 ALEX WILSON, MOSES SUAREZ, ONETT D. BROWN, 12ev4275 12ev5127 HIRAM FELICIANO, GLENN CAMPBELL, 12ev4299 12ev5128 FRANCISCO AMADOR, SHASHKOV KONSTANTIN, 12ev4302 12ev5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE 12ev4306 12ev5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, 12ev4307 12ev5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, 12ev4346 12ev5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT 12ev4347 12ev5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY 12ev4382 12ev5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, 12ev4393 12ev5404 JOHNSON, REGINALD MILTON, RICHARD 12ev4394 12ev5404 JOHNSON, REGINALD MILTON, RICHARD 12ev4396 12ev5416 MARTINEZ, IR., RICHARD WEBB, KENDALL 12ev4457 12ev5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, 12ev4517 12ev5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE 12ev4523 12ev5688 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, 12ev4630 12ev5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12ev4631 12ev4631 12ev5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12ev4631 12ev5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12ev4631 12ev5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12ev46630 12ev5699 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, 12ev46631 12ev5687 Plaintiffs, 12ev46691 12ev5869 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, 12ev46631 12ev5699 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, 12ev46691 12ev5869		X		
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JOHNSON, CHRISTIAN T. MARTINEZ, ISLIME : 12cv4169 12cv4803 DUVIVIER, FRANCISCO FERREIRA, JOSEPH : 12cv4170 12cv4813 OPPERISANO, WINSTON COWELL, ROGER SMITH, : 12cv4266 12cv4896 JOHN ENGLAND, CALVIN ELLIS, DARREN MACK, : 12cv4274 12cv4961 ALEX WILSON, MOSES SUAREZ, ONETT D. BROWN, : 12cv4275 12cv5127 HIRAM FELICIANO, GLENN CAMPBELL, : 12cv4299 12cv5128 FRANCISCO AMADOR, SHASHKOV KONSTANTIN, : 12cv4302 12cv5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5129 WILLIAM VIELMAN, RAYMOND L. EDWARDS, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5155 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5688 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4634 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4634 12cv5685 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5685 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5668 12cv5668 12cv4694 12cv5867 CITY OF NEW YORK et al., : Defendants.	· · · · · · · · · · · · · · · · · · ·	:	12cv4080	
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JOHN ENGLAND, CALVIN ELLIS, DARREN MACK, : 12cv4274 12cv4961 ALEX WILSON, MOSES SUAREZ, ONETT D. BROWN,: 12cv4275 12cv5127 HIRAM FELICIANO, GLENN CAMPBELL, : 12cv4299 12cv5128 FRANCISCO AMADOR, SHASHKOV KONSTANTIN, : 12cv4302 12cv5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5404 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4671 12cv5867 ANTHONY PINDER, and BENNY DAVIS, : 12cv4671 12cv5867  Plaintiffs, : 12cv4694 12cv5868 12cv54694 12cv5868 12cv54694 12cv5867 CITY OF NEW YORK et al.,		:	12cv4170	12cv4813
ALEX WILSON, MOSES SUAREZ, ONETT D. BROWN,: 12cv4275 12cv5127 HIRAM FELICIANO, GLENN CAMPBELL, : 12cv4299 12cv5128 FRANCISCO AMADOR, SHASHKOV KONSTANTIN, : 12cv4302 12cv5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4394 12cv5404 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4671 12cv5867 PRIAITIFIS, : 12cv4671 12cv5867 CV- : 12cv4671 12cv5870 CV- : 12cv4671 12cv5870 CV- : 12cv4671 12cv5870 CV- : 12cv4671 12cv5870 CV- : 12cv4671 12	OPPERISANO, WINSTON COWELL, ROGER SMITH,	:	12cv4266	12cv4896
HIRAM FELICIANO, GLENN CAMPBELL, : 12cv4299 12cv5128 FRANCISCO AMADOR, SHASHKOV KONSTANTIN, : 12cv4302 12cv5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv44396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4634 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4671 12cv5867  -v- : 12cv4694 12cv5868 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4698 12cv5867 CITY OF NEW YORK et al., : Defendants.	JOHN ENGLAND, CALVIN ELLIS, DARREN MACK,	:	12cv4274	12cv4961
FRANCISCO AMADOR, SHASHKOV KONSTANTIN, : 12cv4302 12cv5129 WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4631 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4694 12cv5886 Plaintiffs, : 12cv4671 12cv5886 Plaintiffs, : 12cv4694 12cv58870 CITY OF NEW YORK et al., : Defendants.	ALEX WILSON, MOSES SUAREZ, ONETT D. BROWN	<b>N</b> ,:	12cv4275	12cv5127
WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE : 12cv4306 12cv5131 LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5153 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv54404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4694 12cv5886 -v- : 12cv4694 12cv5887 CITY OF NEW YORK et al., : Defendants. :	HIRAM FELICIANO, GLENN CAMPBELL,	:	12cv4299	12cv5128
LIVINGSTON WILLIAMS, FREDERICK ROBERSON, : 12cv4307 12cv5132 WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346 12cv5133 DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4496 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4523 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4671 12cv5867  Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868  CITY OF NEW YORK et al., : Defendants. :	FRANCISCO AMADOR, SHASHKOV KONSTANTIN,	:	12cv4302	12cv5129
WAYNE SULLIVAN, RAYMOND L. EDWARDS, : 12cv4346	WILLIAM VIELMAN, RALPHIE E. HAYES, ANDRE	:	12cv4306	12cv5131
DEMETRIUS LOVING, MIKE HOLMES, ROBERT : 12cv4347 12cv5134 FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5872 CITY OF NEW YORK et al.,	LIVINGSTON WILLIAMS, FREDERICK ROBERSON,	:	12cv4307	12cv5132
FLEMING, DAVID SOTO, WILLIE VEGA, TROY : 12cv4382 12cv5155 VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4633 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4638 12cv5768 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5872 CITY OF NEW YORK et al., : Defendants. :	WAYNE SULLIVAN, RAYMOND L. EDWARDS,	:	12cv4346	12cv5133
VALENTINE, ITTIAH MOGAI, ARTHUR STEWART, : 12cv4383 12cv5253 ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 I12cv4698 12cv5872 CITY OF NEW YORK et al., : Defendants. :	DEMETRIUS LOVING, MIKE HOLMES, ROBERT	:	12cv4347	12cv5134
ROBERT DRAGOTI, ERNEST LANGSTON, : 12cv4393 12cv5402 ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404 JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4671 12cv5856  Plaintiffs, : 12cv4671 12cv5867  -v- : 12cv4694 12cv5868 CITY OF NEW YORK et al., : Defendants. :	FLEMING, DAVID SOTO, WILLIE VEGA, TROY	:	12cv4382	12cv5155
ANTHONY WHITE, ANGEL ESPADA, ROBERT : 12cv4394 12cv5404  JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416  MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517  HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520  DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668  BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681  BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687  WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691  GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695  PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760  ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856  Plaintiffs, : 12cv4671 12cv5867  -v- : 12cv4694 12cv5868  CITY OF NEW YORK et al., : Defendants. :	VALENTINE, ITTIAH MOGAI, ARTHUR STEWART,	:	12cv4383	12cv5253
JOHNSON, REGINALD MILTON, RICHARD : 12cv4396 12cv5416 MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, 12cv4670 12cv5856 Plaintiffs, 12cv4671 12cv5867 -v- 12cv4694 12cv5868 CITY OF NEW YORK et al., Defendants.	ROBERT DRAGOTI, ERNEST LANGSTON,	:	12cv4393	12cv5402
MARTINEZ, JR., RICHARD WEBB, KENDALL : 12cv4457 12cv5517 HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv4698 12cv5870 CITY OF NEW YORK et al., : Defendants. :	ANTHONY WHITE, ANGEL ESPADA, ROBERT	:	12cv4394	12cv5404
HAYES, MICHAEL STRAKER, NESTOR SANCHEZ, : 12cv4517 12cv5520 DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE : 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5870 12cv5872 CITY OF NEW YORK et al., : Defendants. :	JOHNSON, REGINALD MILTON, RICHARD	:	12cv4396	12cv5416
DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE: 12cv4523 12cv5668 BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, 12cv4638 12cv5768 Plaintiffs, 12cv4670 12cv5856 -v- 12cv4694 12cv5868 -v- 12cv4694 12cv5868 CITY OF NEW YORK et al., 12cv4698 12cv5870	MARTINEZ, JR., RICHARD WEBB, KENDALL	:	12cv4457	12cv5517
BOWMAN, FRANK TRIFILIO, JASON WILLIAMS, : 12cv4524 12cv5681 BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5870 : 12cv4698 12cv5870 CITY OF NEW YORK et al., : 12cv5872	HAYES, MICHAEL STRAKER, NESTOR SANCHEZ,	:	12cv4517	12cv5520
BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM : 12cv4532 12cv5687 WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5870 : 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : Defendants. :	DAMILOLA ANIMASHAUN, ARTHUR JACK, WILLIE	Ξ:	12cv4523	12cv5668
WATSON, JAMAL ARMSTEAD, HOWARD POWELL, : 12cv4533 12cv5691 GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4638 12cv5768 Plaintiffs, : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 12cv5870 : 12cv4698 12cv5870 CITY OF NEW YORK et al., : Defendants. :	BOWMAN, FRANK TRIFILIO, JASON WILLIAMS,	:	12cv4524	12cv5681
GEORGE ETIENNE, RAYMOND MAXWELL, ALAN : 12cv4630 12cv5695 PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, : 12cv4634 12cv5760 ANTHONY PINDER, and BENNY DAVIS, : 12cv4638 12cv5768 Plaintiffs, : 12cv4670 12cv5856 -v- : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 : 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : Defendants. :	BRANAN BOSTON, JOSE VAZQUEZ, RAHEEM	:	12cv4532	12cv5687
PEREZ, RASHEEN EVERETT, ANTHONY CRUZ, ANTHONY PINDER, and BENNY DAVIS, Plaintiffs, Plaintiffs, 12cv4634 12cv5768 12cv4638 12cv5866 12cv5867 12cv4671 12cv5867 12cv4694 12cv5868 12cv5870 12cv5872 CITY OF NEW YORK et al., Defendants.	WATSON, JAMAL ARMSTEAD, HOWARD POWELL,	:	12cv4533	12cv5691
ANTHONY PINDER, and BENNY DAVIS, : 12cv4638 12cv5768 : 12cv4670 12cv5856 Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 : 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : Defendants. :	GEORGE ETIENNE, RAYMOND MAXWELL, ALAN	:	12cv4630	12cv5695
Plaintiffs,   12cv4670   12cv5856   12cv4671   12cv5867   12cv4694   12cv5868   12cv4694   12cv5868   12cv5870   12cv5872   12cv58	PEREZ, RASHEEN EVERETT, ANTHONY CRUZ,	:	12cv4634	12cv5760
Plaintiffs, : 12cv4671 12cv5867 -v- : 12cv4694 12cv5868 : 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : : : : : : : : : : : : : : : : : : :	ANTHONY PINDER, and BENNY DAVIS,	:	12cv4638	12cv5768
-v- : 12cv4694 12cv5868 : 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : : : : : : : : : : : : : : : : : : :		:	12cv4670	12cv5856
: 12cv4698 12cv5870 : 12cv5872 CITY OF NEW YORK et al., : : : : : : : : : : : : : : : : : : :	Plaintiffs,	:	12cv4671	12cv5867
CITY OF NEW YORK et al.,  CITY OF NEW YORK et al.,  Defendants.  : 12cv5872  :  Defendants.	-V-	:	12cv4694	12cv5868
CITY OF NEW YORK et al.,  Defendants.:		:	12cv4698	12cv5870
Defendants. :		:		12cv5872
	CITY OF NEW YORK et al.,	:		
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: <u>OPINION &amp; ORDER</u> X	Defendants.	:		
X		:	<b>OPINION</b>	& ORDER
		X		

### PAUL A. ENGELMAYER, District Judge:

Before the Court is the December 20, 2012 Report and Recommendation of Magistrate Judge James C. Francis IV, recommending that the Court dismiss plaintiffs' complaints for failure to state a claim (the "Report"). For the reasons that follow, the Court adopts the Report in full as to all plaintiffs.

# I. Background

The 63 *pro se* plaintiffs identified above bring similar lawsuits pursuant to 42 U.S.C. § 1983 against the City of New York (the "City"), Correction Commissioner Dora B. Schriro, Mayor Michael Bloomberg, and Dr. Jean Richards of Corizon (a correctional healthcare services provider). The plaintiffs, who are or were inmates or detainees in the custody of the New York City Department of Correction at the Anna M. Kross Center on Rikers Island ("AMKC"), allege violations of their Eighth Amendment rights and seek injunctive relief as well as compensatory and punitive damages. They allege that they have not been provided with proper beds, which has caused lower back, neck, and leg pain, as well as emotional distress. *See* Report 5 (summarizing claims).

On August 27, 2012, the City moved to dismiss the complaints pursuant to Federal Rule of Civil Procedure 12(b)(6). *See*, *e.g.*, No. 12 Civ. 4069 (PAE)(JCF), Dkt. 16–18. Only one of the 63 plaintiffs—Raheem Watson— opposed the motion to dismiss. *See* No. 12 Civ. 5687, Dkt. 13. On December 20, 2012, Judge Francis issued the Report, recommending that the City's motion to dismiss the complaints be granted because all 63 complaints failed to state a claim on which relief could be granted. *See*, *e.g.*, No. 12 Civ. 4069 (PAE)(JCF), Dkt. 22. The deadline for plaintiffs to file objections to the Report was January 3, 2012. None of the 63 plaintiffs filed objections. Two filed amended complaints.

# II. Discussion

#### A. Standard of Review

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). To accept those portions of the report to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Carlson v. Dep't of Justice*, No. 10 Civ. 5149 (PAE)(KNF), 2012 WL 928124, at \*1 (S.D.N.Y. Mar. 19, 2012) (citation omitted); *see also Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

# **B.** Non-Objecting Plaintiffs

Because none of the 63 plaintiffs here have submitted objections to the Report, a review for clear error is appropriate. Careful review of the Report reveals no facial error in its conclusions; the Report is therefore adopted in its entirety. Because the Report explicitly states that "[f]ailure to file timely objections will preclude appellate review," Report 25, these plaintiffs failure to object operates as a waiver of appellate review. *See Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989)).

The Court emphasizes that in adopting the Report, it is also adopting Judge Francis's recommendation that plaintiffs be granted permission to amend their complaints to state a claim, if the facts so permit, of an Eighth Amendment violation. *See* Report 23–24. To do so, a plaintiff must allege that "(1) he had a pre-existing medical condition requiring a special bed to protect against serious damage to his future health; (2) he made that medical condition known to the prison officials; (3) he requested a special bed to accommodate such medical condition; and

(4) his request was denied by an 'official [who knew] of and disregard[ed] an excessive risk to [the plaintiff's] health or safety." *Id.* at 24 (quoting *Phelps v. Kapnolas*, 308 F.3d 180, 186 (2d Cir. 2002)). Plaintiffs may file, with the Pro Se Office, an amended complaint that plausibly makes out the elements of a constitutional violation. Plaintiffs are advised that any such complaint, to be viable, must allege the elements of municipal liability or the personal involvement of the individual named defendant(s). The requirements to adequately plead such claims are set out in Judge Francis's Report. *See* Report 21–23.

# C. Amended Complaints

Two plaintiffs, Langston and Straker, have already filed amended complaints in response to the Report. *See* No. 12 Civ. 4961 (PAE)(JCF), Dkt. 18 ("Langston Am. Compl."); No. 12 Civ. 5155 (PAE)(JCF), Dkt. 27 ("Straker Am. Compl."). Because the Court adopts the Report and because the Report allowed plaintiffs a final opportunity to amend their pleadings, the Court accepts these amended complaints for filing.

#### CONCLUSION

For the reasons stated herein, the Court adopts the Report in full as to all of the plaintiffs listed above except Langston and Straker. Those 61 plaintiffs' complaints are hereby DISMISSED with leave to file an amended complaint. The Clerk of Court is directed to terminate any motion to dismiss pending in the cases listed above, and to close all of the cases

<sup>&</sup>lt;sup>1</sup> The Court notes that in 13 of these cases—case numbers 12 Civ. 4457, 12 Civ. 4532, 12 Civ. 4638, 12 Civ. 4700, 12 Civ. 4961, 12 Civ. 5127, 12 Civ. 5129, 12 Civ. 5404, 12 Civ. 5668, 12 Civ. 5681, 12 Civ. 5687, 12 Civ. 5691, and 12 Civ. 5872—there is no record on ECF of whether the Report was, in fact, mailed to the plaintiff. The Court therefore is constrained to assume that such a mailing did not occur. Because all 63 plaintiffs have the opportunity to amend their complaint in response to this Opinion so as to properly allege a constitutional claim, these 13 plaintiffs were not prejudiced by lack of notice of the Report.

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except Nos. 12 Civ. 4961 and 12 Civ. 5155. The cases may be reopened without prejudice if a

plaintiff files an amended complaint within 45 days.

The Court accepts for filing Langston and Straker's amended complaints. The City's

motion to dismiss—No. 12 Civ. 4961 (PAE)(JCF), Dkt. 19; No. 12 Civ. 5155 (PAE)(JCF), Dkt.

24— is denied as moot. Defendants are directed to respond to the two amended complaint.

Finally, the Clerk of Court is respectfully directed to serve this Opinion and Order on

each of the plaintiffs named in the caption at his address of record.

SO ORDERED.

Paul A. Engelmayer

United States District Judge

Dated: February 11, 2013

New York, New York

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